

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2013- -T

IN RE:	Petition of the Office of Regulatory Staff to)	
	Revoke Certificates of Public Convenience and)	PETITION FOR RULE TO
	Necessity of Certain Motor Carriers For Failure to)	SHOW CAUSE
	Maintain and File Evidence of Insurance)	

The Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("the Commission"):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (Supp. 2012); that the ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2004 S.C. Acts 175.

2. That the companies listed in Exhibit A are currently operating as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) (Supp. 2012) in that they are incorporated for the purpose of owning, controlling, operating, or managing motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp. 2012); further, that these companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A. See Exhibit A, List of Companies Failing to File Required Documents.

4. That the Companies listed in Exhibit A, upon receiving their Certificate of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations” [10 S.C. Code Regs. 103-133(4)(a) (2012)]; further, that the companies were “aware of the Commission's insurance requirements and the costs associated therewith” [10 S.C. Code Regs. 103-133(4)(b) (2012)].

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2012).

6. That the Companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. §58-23-910 (Supp. 2012) and 10 S.C. Code Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A, through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That “either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.” 10 S.C. Code Regs. 103-175 (2012); further, that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2012).

9. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of

the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of Public Convenience and Necessity is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria..." 10 S.C. Code Regs. 103-240 (2012).

10. That "the Commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the Commission's proper orders, rules or regulations." S.C. Code Ann. §58-23-320 (Supp. 2012).

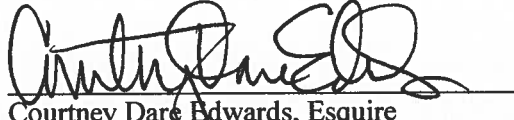
11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, List of Companies Failing to File Required Documents. See also Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed in Exhibit A to appear before the Commission and show cause why their Certificates of Public Convenience and Necessity should not be revoked by this Commission pursuant to 10 S.C. Code Regs. 103-240 (2012);

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates which the ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. §58-23-320 (Supp. 2012).

3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided the Commission under S.C. Code Ann. §58-23-320 (Supp. 2012) and thereafter immediately enter a final Order.
4. For other appropriate action which the Commission may deem necessary.



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March 14, 2013
Columbia, South Carolina

EXHIBIT A

No.	Docket #	Class	Type of Cert	Name	DBA	Address	City	State	Zip
MARCH 13, 2013 CARRIERS OUT OF COMPLIANCE - NO INSURANCE - 3RD & 4TH QUARTERS 2012									
1	2011-129-T	C	Charter	Lake Murray Adventures, LLC	Adventures Limousine Service	3512 Bush River Rd Ste A	Columbia	SC	29210
2	2012-43-T	C	Taxi	Troy Boston		1501 N Rocky Way Dr	Florence	SC	29506
3	2011-62-T	C	Charter	Chris Lambeth	Capitol Limousine	3805 Augusta Rd	West Columbia	SC	29170
4	2012-239-T	C	Non-Emergency	Doctor's Care Transport, LLC		PO Box 962	Lake City	SC	29560
5	2010-234-T	C	Charter Bus	Charlie Williams	Family Tours & Travel	100 S Parler Ave	St George	SC	29477
6	2009-513-T	C	Charter	Genesis Transport, LLC		3031 Scottsman Rd Ste 2	Columbia	SC	29223
7	2012-130-T	C	Taxi	John Joe		603 N Bradford St	Florence	SC	29506
8	2011-120-T	C	Non-Emergency	Lifted Hands Transportation Service, LLC		4301 State Rd	Ridgeville	SC	29472
9	2010-105-T	C	Charter	Francisco Vizcarra	Luxurious Limousine Service	PO Box 51672	Myrtle Beach	SC	29579
10	2010-129-T	C	Charter Bus	Francisco Vizcarra	Luxurious Limousine Service	PO Box 51672	Myrtle Beach	SC	29579
11	2002-112-T	C	Taxi	Marion J. McDowell		1120 N Elmgrove Dr	Florence	SC	29506
12	2008-15-T	C	Taxi	James E. Green	Moon Light Taxi	2205 Winyah St	Georgetown	SC	29440
13	1999-274-T	C	Charter	Virgil Graham	Photography/Safari Tour	PO Box 6799	Myrtle Beach	SC	29572
14	2011-283-T	C	Taxi	Jacqueline R. Robinson		8465 Patriot Blvd., #701	North Charleston	SC	29240
15	2003-121-T	C	Charter Bus	Royal Tours, Inc.		211 W Central Ave	Asheboro	NC	27203
16	2003-117-T	C	Taxi	Corrine Simpson		1024 Kinsington Ct	Conway	SC	29526
17	2011-96-T	C	Charter Bus	Springsteen Transportation, LLC		PO Box 1148	Fort Mill	SC	29716
18	2011-361-T	C	Non-Emergency	Tropical Transportation, LLC		4506 Poinsett St Unit B	N Myrtle Beach	SC	29582
19	2008-146-T	C	Charter	Tropical Transportation, LLC		4506 Poinsett St Unit B	N Myrtle Beach	SC	29582
20	2008-24-T	C	Non-Emergency	Veteran Transport USA, Inc.		325 Thornridge Rd	Columbia	SC	29223

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. _____

March 13, 2013

IN RE: Petition of the Office of Regulatory)
Staff to Revoke Certificates of) **AFFIDAVIT OF**
Public Convenience and) **Carole Chauvin**
Necessity of Certain Motor Carriers)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On March 13, 2013, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 and/or 103-174 has not been filed with ORS by the following carriers as of March 13, 2013: (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Sworn and subscribed before me
this 13th day of March, 20 13

J. Brumfield

Notary Public for South Carolina

My Commission Expires: 2/10/20